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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

COUNTY CHANGE OF ZONE NO. 12015: )  
TEXT AMENDMENT TO THE LANCASTER )  
COUNTY ZONING RESOLUTION, )  
TO ADD PROVISIONS FOR AG )  
PRESERVATION LOTS AND TO AMEND THE )  
DENSITY CALCULATIONS AND BONUSES )  
FOR AG AND AGR RESIDENTIAL )  
COMMUNITY UNIT , AS PROVIDED IN )  
ATTACHMENT "A" )

RESOLUTION NO. R-12-0058

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114 (Reissue 2007), the Lancaster County Board of Commissioners is authorized to make amendments to the 1979 Zoning Resolution of Lancaster County, which are consistent with the County's Comprehensive Plan and after receipt of specific recommendations from the Lincoln-Lancaster County Planning Commission ("Planning Commission"); and

WHEREAS, the Lancaster County Board of Commissioners ("County Board") has requested a text amendment to Article 4 AG Agricultural District, to add provisions for AG Preservation lots and a text amendment to Article 14 CUP Community Unit Plan, to change the density calculations and bonuses for AG Agricultural and AGR Agricultural Residential CUPs, and to remove density reductions for smaller R Residential CUPs, as provided in Attachment "A", attached hereto and incorporated by this reference; and

WHEREAS, the Lincoln-Lancaster County Planning Department has recommended approval of this amendment concluding that the proposed amendments are in general conformance with the goals of the 2040 Lincoln-Lancaster County Comprehensive Plan ; and

WHEREAS, on June 27, 2012, after public hearing, the Lincoln-Lancaster County Planning Commission agreed with the staff recommendation and voted 9 to 0 to recommend

approval of said text amendments; and

WHEREAS, on July 17, 2011, the Lancaster County Board of Commissioners conducted a public hearing regarding said text amendment and voted to approve said amendments.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Lancaster County, Nebraska that the amendments to Article 4 AG Agriculture, and Article 14 Community Unit Plan of the Lancaster County Zoning Resolution, as provided in Attachment "A," are hereby adopted and approved.

BE, IT FURTHER RESOLVED, that any other references in said Resolution which may be affected by the above specified amendments be, and they hereby are, amended to conform to such specific amendments.

DATED this 24 day of July, 2012, in the County-City Building, Lincoln,  
Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF  
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM  
this 24 day of  
July, 2012.

Bullington Johnson  
Deputy County Attorney  
for JOE KELLY  
Lancaster County Attorney

Joe Kelly  
Don Meyer  
Deb Schorr  
Heier abstained  
Hudkins Absent

## Attachment "A"

### ARTICLE 4 "AG" AGRICULTURAL DISTRICT

This district is designated for agricultural use and is intended to encourage a vigorous agricultural industry throughout the county and to preserve and protect agricultural production by limiting urban sprawl as typified by urban or acreage development.

4.001. Scope of regulations. The regulations set forth in this chapter or elsewhere in this resolution when referred to in the chapter, are the district regulations in the "AG" Agricultural District.

#### 4.003 Permitted Uses.

- a) Agriculture, except commercial feedlots;
- b) Breeding, raising, management and sale of fur-bearing animals and the produce thereof;
- c) Dog breeding establishments and kennels;
- d) Stables and riding academies;
- e) Public uses: Including but not limited to public parks, playgrounds, golf courses and recreational uses; fire stations; schools; publicly owned or operated airports; and public utilities and utility distribution systems; excluding governmental landfill operations. (Approved Resolution No. 5367, August 26, 1996)
- f) Single family dwellings;
- g) Churches.
- h) Cable and fiber optic communication distribution systems (Resolution No. R-01-21, April 4, 2001)
- i) Wind energy conversion systems (WECS) (Resolution No. R-08-0090, October 15, 2008)

4.005 Permitted Conditional Uses A building or premises may be used for the following purpose in the "AG" Agricultural District in conformance with the conditions prescribed herein:

- a) Cemeteries, including mausoleums:
  - 1) Mausoleums shall be located at least two hundred (200) feet from every street and adjoining property line;
  - 2) Any cemetery established after the effective date of this title shall contain an area of twenty (20) acres or more;
- b) Any public building or premises of any department of a governmental agency not included in Section 4.003(e) above;
- c) Roadside stands for the temporary or seasonal sale of produce:
  - 1) Such roadside stands shall be permitted in a required yard, however, no roadside stand shall be permitted in a right-of-way, nor closer than thirty (30) feet to the edge of a traveled roadway;
  - 2) Such roadside stands shall not be operated for more than 180 days in any one year;
- d) Group homes:
  - 1) Group homes shall comply with all parking, sign, height and area regulations of the district and all provisions of the County Building Code;
  - 2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half mile;
  - 3) Such use shall be permitted only so long as the facility continues to be validly

licensed by the State of Nebraska.

e) Public uses: including but not limited to public parks, playgrounds, golf courses and recreational uses; fire stations; public elementary and high schools; airports; and public utilities and utility distribution systems; excluding governmental landfill operations.

(Resolution No. 4147, January 21, 1986)

f) Wind energy conversion systems (WECS), over the district height, provided they meet the following conditions: (Resolution R-08-0008, February 24, 2009)

1) The distance from all lot lines to any tower support base of the WECS shall be equal to the height of the tower plus the rotor radius. The County Board may grant a reduction in the setback through appeal when it finds that such reduction shall not adversely affect surrounding property and is consistent with the intent of this title to promote the public health, safety, and general welfare. (Resolution No. R-11-0023, March 29, 2011; Resolution No. R-08-0090, October 15, 2008)

2) The distance from any tower support base of a WECS to any tower support base of another WECS under other ownership shall be a minimum of five (5) rotor distance figured by the size of the largest rotor. The Planning Commission may grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of either WECS. (Resolution No. R-11-0023, March 29, 2011)

3) The WECS operation shall not cause interference to the radio and television reception on adjoining property.

4) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to WECS. (Resolution R-08-0090, Approved October 15, 2008; Resolution No. 3744A, October 5, 1982)

g) Mobile Homes:

1) The mobile home has:

i. No less than an eight hundred (800) square foot floor area, excluding garages.

ii. No less than an eighteen (18) foot exterior width;

iii. A three (3) inch in twelve (12) inch pitched roof or steeper;

iv. A non-reflective exterior siding material which is or simulates wood, stucco or masonry;

v. A non-reflective roof material which is or simulates asphalt or wood shingles, tile or rock;

vi. Permanent connections to permanently located utilities complying with plumbing codes and electrical codes;

vii. A certificate stating the construction complies with the Federal Department of Housing and Urban Development's mobile home construction and safety standards.

2) The mobile home's longest exterior dimension is less than three (3) times the most narrow exterior dimension.

3) The towing bar and hitch, wheels and tires, and axles are removed.

4) The mobile home's exterior siding extends to the ground and is supported to withstand wind loads as set forth in the building code or the foundation forms a complete enclosure under the exterior walls. The space beneath the mobile home shall be properly ventilated.

5) The mobile home is securely and permanently attached to a permanent foundation complying with the building code.

6) The mobile home's placement is inspected and complies with this resolution before the mobile home is occupied. (Resolution No. 3777, January 18, 1983)

h) Family Airfield, under the following conditions;



1) The approach must provide a 150 feet clear height over any residential zoned area, 100 feet over any agriculture residential zoned area and safe and reasonable clearances over utility lines, poles, towers and appurtenances, which may be located in the path of any runway.

2) A minimum effective length of the runway shall be 300 feet if paved and 500' if turfed.

3) The paved runway shall be 25 feet or more in width, and the turfed runway shall be at least 50 feet wide. There shall be a primary surface (unobstructed area) along the full length of the turfed runway. All structures beyond the primary surface and the approach slope shall clear a 7:1 transitional or lateral slope as measured from the outside edge of the primary surface or approach slope.

4) The approach surface to each end of each paved runway or turfed runway extends outward along the runway centerline and shall be unobstructed along a 10:1 vertical slope for a horizontal distance of 500 feet. The approach slope shall begin at the turfed runway threshold or at a properly marked displaced threshold. The width of the approach slope shall be 50 feet at the beginning and widen out to 150 feet at a distance of 500 from the beginning. The surface area beneath the approach zone shall be controlled by ownership, fee title or easement.

5) The runway centerline extended shall not cross any existing building within 1/4 mile of the end of the runway.

6) The runway shall be set back 50' from all lot lines.

7) Runway lighting shall be limited to 45 watts in power. No more than 36" above grade and producing no more than 1/2 foot candle of illumination at the property line.

8) A "bubble" of clearance of 200' over and around all buildings shall be maintained.

9) Flight operations shall be prohibited from 10 PM to 5 AM.

10) Abutting property/families may use the same runway provided there are no more than four (4) properties, each of which has at least 150' of frontage on the runway. (Resolution No. 5367, August 26, 1996)

(h) Domestic shelter:

1) Parking shall be one space for every four residents based on the maximum occupancy allowed by the lot area and two spaces for every three employees on the largest shifts.

2) The maximum number of residents occupying such a facility shall not exceed one person per 3,000 square feet of lot area.

3) The distance between the proposed use of any existing domestic shelter measured from lot line shall not be less than one mile. (Resolution No. 5407, November 19, 1996)

(j) Farm Winery:

1) No farm winery shall manufacture wine in excess of fifty thousand gallons per year;

2) A farm winery must produce a minimum of fifteen percent of product from fruit or other agricultural products harvested from the premises following five years business;

3) Wines produced at the farm winery may be sold on site at wholesale and retail and/or at off premise sites holding the appropriate license;

4) Wine samples and/or consumption on the licensed premises is permitted in reasonable amounts;

5) A farm winery may sell retail items as an accessory to wine sales through tasting or wine sales room. Retail space shall not exceed two thousand square feet;

6) A farm winery may only serve food prepared off site by a Health Department licensed establishment in association with sampling and/or consumption of wine. A farm

winery may not act in the capacity of a retail food establishment. (Resolution No. 5437, February 18, 1997)

(k) Any use that the Lancaster County Board of Commissioners has approved by granting an amusement license for such use. Said conditional use is permitted on a premises for no more than one event per calendar year. (Resolution No. R-05-0058, May 25, 2005).

4.007 Permitted Special Uses. A building or premises may be used for the following purposes in the "AG" Agricultural District if a special permit for such use has been obtained in conformance with the requirements of Article 13:

- a) Private schools;
- b) Recreational facilities;
- c) Dwellings for members of religious orders;
- d) Radio and television towers and stations, and television production facilities; (Resolution No. 3958, August 21, 1984)
- e) Campgrounds;
- f) Veterinary facilities;
- g) Mining or extraction of minerals from any portion of the district, and the storage and processing thereof;
- h) Sale barns;
- i) Garden centers;
- j) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
- k) Except as provided in Section 17.031, church steeples, towers and ornamental spires which exceed the maximum district height; (Resolution No. 5408, November 19, 1996)
- l) Expansion of non-conforming use;
- m) Historic Preservation;
- n) Pet cemeteries; minimum area shall be five (5) acres;
- o) Trailer, Mobile Home Courts; (Resolution No. 3777, January 18, 1983)
- p) Outdoor theaters;
- q) Clubs and semi-public buildings; (Resolution No. 3569, March 10, 1981)
- r) Nursing homes; (Resolution No. 3569, March 10, 1981)
- s) Non-commercial distillation and storage of fuel and fuel products produced in whole or in part from agricultural products raised within the County; (Resolution No. 3501, July 29, 1980)
- t) A mobile home on an individual lot subject to the following conditions:
  - 1) The lot meets all the height and area regulations of this district except the Planning Commission may increase the yard areas; (Resolution No. R-11-0023, March 29, 2011)
  - 2) The mobile home is securely and permanently attached to a permanent foundation complying with the building codes;
  - 3) The towing bar and hitch, wheels and tires, and axles are removed. (Resolution No. 3777, January 18, 1985)
- u) Governmental landfill; (Resolution No. 4147, January 21, 1986)
- v) Heritage center; (Resolution No. 4277, April 28, 1987)
- w) Airfield; (Resolution No. 5367, August 26, 1996)
- x) Storage of agricultural conservation construction equipment; (Resolution No. 5367, August 26, 1996)
- y) Parking lots; (Resolution No. 4928, October 27, 1992)
- z) Commercial agricultural airfields; (Resolution No. 5367, August 26, 1996)
- aa) Heliports. (Resolution No. 5367, August 26, 1996)
- bb) Race track, drag strip or motor sport facility (Resolution No. R-07-0061, July 24, 2007)

- cc) Expanded home occupations (Resolution No. R-09-0076, September 29, 2009)
- dd) Commercial Wind Energy Conversion Systems/Turbines (Resolution No. R-11-0022, March 29, 2011)
- ee) Market Garden; (Resolution No. R-12-0023, March 20, 2012)

4.009 A building or premises may be used for the following purposes in those parts of the "AG" Agricultural District designated "Agricultural" on the Future County Land Use Map (Figure 17) all of the Lincoln-City Lancaster County Comprehensive Plan (which for this purpose only is hereby incorporated herein by reference) if a special permit for such use has been obtained in conformance with the requirements of Article 13.

- a) Commercial feedlot;
- b) Community unit plans shall be permitted in conformance with the provisions of Article 14. Any community unit plan in the said "Agricultural" area shall contain a minimum of seventy five (75) acres. (Resolution No. 5238, June 20, 1995)

4.011 Accessory Uses. Accessory uses permitted in the "AG" Agricultural District are accessory buildings and uses customarily incidental to any of the permitted uses in the district.

4.013. Parking Regulations. No parking is required except that one (1) space per 50 square feet of the largest meeting hall shall be provided at churches and schools.

4.015. Sign Regulations. Signs within the "AG" Agricultural District shall be regulated in conformance with the provisions in Article 16.

4.017. Height and Area Regulations. The height and minimum lot requirements within the "AG" Agricultural District shall be as follows:

a) General requirements:

	Min. Lot Area	Avg. Lot Width	Min Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Max Height
All Permitted Uses	20 Acres	550"	550'	50'±	60'	100'	35'

\* 1. Required Yards: However, in

i) In no event need the sum of the distance from the centerline of the abutting road to the street line, and the required front yard exceed a total of 80'. The required front yard of any such property exceeding the 80' sum may be reduced accordingly. (Resolution No. 3740, August 31, 1982)

ii) There shall be a required front yard on each street side of a double frontage lot;

iii) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on the effective date of this title need not be reduced below thirty-five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards;

iv) Where a buildable lot on the effective date of this Resolution has an average width of 550 feet or less, the required side yard may be reduced to a

width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than fifteen (15) feet; (Resolution No. 4130, December 3, 1985)

v) Where a buildable lot on the effective date of this Resolution has a depth of not more than three hundred (300) feet, there shall be a required rear yard having a depth of not less than fifty (50) feet or twenty percent (20%) of the depth of the lot, whichever is smaller;

vi) In the case of AG Preservation lots there shall be a setback equal to the front yard setback of that district measured from the lot line bordering the public access easement along the shared driveway and along any other public or private roadway. This is to accommodate a future conversion of the shared driveway to a public or private roadway.

vii) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located:

1) in the required rear yard, but such accessory buildings shall not be nearer than two (2) feet to the side or rear lot line; such accessory buildings located in the required rear yard shall not occupy more than thirty percent (30%) of the required rear yard, and;

2) not nearer than a distance equal to ten percent (10%) of the average lot width from the side lot line. (Resolution No. 3740, August 31, 1983)

## 2. Minimum Lot Area

i) For purposes of determining minimum lot area, abutting County section line and one half section line road right-of-way is included in the total area. (Resolution No. R-00-16, February 22, 2000)

ii). AG Preservation Lots The Planning Director may approve AG Preservation lots and the The general requirements of this subsection (a) are not required to be met in the event a 40-acre tract of land is subdivided into two buildable lots of not less than three acres each and a non-buildable outlot of not less than 30 acres. under the following conditions:

a) the overall density of one dwelling unit per 20 acres shall be maintained. The subdivision shall have a minimum of 20.00 acres and a maximum of 80.00 acres with no more than 4 buildable parcels created;

b) buildable lots with onsite wastewater shall be equal to or greater than 3 acres as provided by County Resolution 02-30. The Lincoln-Lancaster County Health Department may approve lots less than three acres in size served by an onsite wastewater treatment system when an easement exists on adjacent land providing a minimum of 3 acres;



c) the remaining land shall be placed in an outlet that occupies a minimum of 75% of the total area of the subdivision. This outlet shall be non-buildable except that agricultural structures shall be allowed;

d) lots shall be accessed by a single shared driveway, which shall be within a public access and utility easement, sixty (60) feet in width, the purpose of which is to act as local road right of way in the event the property, or adjacent parcels, should further subdivide in the future. An exception may be made for subdivisions which have frontage on more than one road when that frontage meets the minimum requirement and when a safe access point can be approved by the County Engineer;

e) the subdivider agrees to dedicate the full 50 foot right of way on County section line and one half section line roads abutting the subdivision.

In such event, the yard requirements of subsection (h)(1) below shall apply to the two-buildable lots. When less than 550' of frontage is available, minimum lot frontage may be adjusted by the Planning Director. Design standards shall meet the requirements of 4.15 of the Lancaster County Subdivision Resolution.

iii. Minimum Lot Area: In all interior sections of the minimum area for a buildable lot shall be one half ( $\frac{1}{2}$ ) of the total acreage contained in that quadrant of the quarter ( $\frac{1}{4}$ ) section in which said lot is located.

iv. In all closing sections, except those which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be as follows:

i-a) For those lots located within a Government Lot, the minimum required area shall be one-half ( $\frac{1}{2}$ ) of the total acreage contained in said Government Lot;

ii-b) For those ~~lost~~ lots which are not located within a Government Lot, the minimum required area shall be one-half ( $\frac{1}{2}$ ) of the total acreage contained in that quadrant of the quarter ( $\frac{1}{4}$ ) section in which said lot is located.

v. In those closing sections which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be 20 acres, provided, however that the Board of Zoning Appeals, in conformance with the terms of Article 19, may hear and decide upon petitions to vary strict application of this requirement. (Resolution No. 3478, June 24, 1980) ~~For purposes of this section 4.017, Minimum lot area, County Section and one half Section Line Road Right of Way is included for the purpose of determining area. (Resolution No. R-00-16, February 22, 2000)~~

~~b) There shall be a required front yard on each street side of a double frontage lot;~~

~~c) There shall be a required front yard of each street side of a corner lot; provided, however, that the buildable width of a lot of record on the effective date of this title need not be reduced below~~

~~thirty five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards;~~

~~d) Where a buildable lot on the effective date of this Resolution has an average width of 50 feet or less, the required side yard may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than fifteen (15) feet; (Resolution No. 4130, December 3, 1985)~~

~~e) Where a buildable lot on the effective date of this Resolution has a depth of not more than three hundred (300) feet, there shall be a required rear yard having a depth of not less than fifty (50) feet or twenty percent (20%) of the depth of the lot, whichever is smaller;~~

~~\_\_\_\_\_ f) Buildable Lots not meeting General Requirements~~

~~(1) If a buildable lot has less area, width or frontage or any combination thereof, than herein required, and its entire boundary under different ownership on the effective date of this title and has not since been changed, such lot may be used in the following manner:~~

- ~~i) If the area of a parcel is 10 acres or more, such parcel may be used for:
  - a. Agriculture, except commercial feedlots;
  - b. Breeding, raising, management and sale of fur-bearing animals and the produce thereof;
  - c. Dog breeding establishments and kennels;
  - d. Stables and riding academies;
  - e. Public uses including but not limited to public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools, and public utilities and utility distribution systems;
  - f. A single-family dwelling;
  - g. Churches.~~

- ~~ii) If the area of such parcel is less than 10 acres, such parcel may be used for:
  - a. Agriculture, except commercial feedlots;
  - b. Public uses including but not limited to public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools and public utilities and utility distribution systems;
  - c. A single family dwelling;
  - d. Churches~~

- ~~iii) Those lots which would qualify under (I) above and have been since reduced by government right-of-way acquisition, may utilize the uses permitted in (I) if the remaining lot is nine (9) acres or larger. (Resolution No. 4689, October 23, 1990)~~

~~(2) If two or more abutting lots in common ownership exist on the effective date of this title, each of such lots may be used for a single-family dwelling provided that each lot shall contain a minimum area of two (2) acres and shall have an average lot width of one hundred fifty (150) feet. Abutting lots in common ownership may be combined to~~

meet these minimum standards. If a lot has less width or depth, the required side and rear yards may be adjusted as provided in (d) 1.iv and (e) 1.v above. (Resolution No. 3740, August 31, 1983)

~~i) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located:~~

~~(1) in the required rear yard, but such accessory buildings shall not be nearer than two (2) feet to the side or rear lot line; Such accessory buildings located in the required rear and required side yard shall not occupy more than thirty percent (30%) of the required rear yard. and~~

~~(2) not nearer than a distance equal to ten percent (10%) of the average lot width from the side lot line. Such accessory buildings located in the required rear and required side yard shall not occupy more than thirty percent (30%) of the required rear yard. (Resolution No. 3740, August 31, 1983)~~

c) Exceptions to Minimum Lot Area h) A lot or parcel of land of one (1) acre or more may be used for a single-family dwelling or public use including any public utilities and distribution systems, or for preservation or conservation of land having significant natural, scenic, historic or scientific value (Resolution No. 5172, November 1, 1994) provided that:

(1) Such lot or parcel of land and structure shall be in conformance with the following maximum height and minimum lot requirements:

(i) General requirements:

	Min. Lot Area	Avg. Lot Width	Min. Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Max. Height
All Permitted Uses:	1 acre	150'	120'	50'*	15'	Lesser of 50' or 20% of depth	30'

\* The sum of (1) the distance from the centerline of the abutting road to the property line, plus (2) the required front yard, need not exceed a total of 80'. The required front yard may be reduced, where necessary, to reach this total.

(ii) There shall be a required front yard on each street side of a double frontage lot:

(iii) There shall be a required front yard on each street side of a corner lot; provided, however that the buildable width of a lot of record on November 2, 1953, need not be reduced below thirty-five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(iv) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the front, side and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the rear yard, but such accessory building may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to the side or rear lot line. However, if the lot or parcel of land and structure does not meet the requirements of item (I) above, it shall be considered a non-standard use.

(2) Such Single family dwelling:

(i) has existed on such land for more than five (5) years;

(ii) is, or has been used as the primary residence associated with a farm;  
and,

(iii) is in conformance with the other provisions of this resolution, the minimum housing code, and the minimum standards for water and sewage facilities and does not represent a hazard to the health and safety of occupants.

(3) Such lot or parcel created for such public use shall not be used by itself, for any purpose other than public use or agriculture. (Resolution No. 4048, April 9, 1985)

(4) Such a lot or parcel created for preservation or conservation purposes;

(i) Shall be evaluated, prior to action by the County Board, by the Lancaster County Ecological Advisory Committee or other appropriate committee to determine the property's natural, scenic, historic or scientific significance;

(ii) Shall have an affected deed restriction or conservation easement attached to the deed, in perpetuity, assuring appropriate limitations on development of the property and permanent preservation of its natural, scenic, historic or scientific values. (Resolution No. 5172, November 1, 1994)

## ARTICLE 14 COMMUNITY UNIT PLAN

14.001. General Purpose. The purpose of this chapter is to permit and to encourage the creative design of new living areas, as distinguished from subdivisions of standard lot sizes and standard street systems, and in order to permit such creative design in buildings, open space, and their interrelationship while protecting the health, safety and general welfare of existing and future residents of surrounding neighborhoods.

14.003. General Requirement. The owner or owners of any tract of land in the "R" Zoning District which is one (1) acre or more in area, including and up to the center line of existing public rights-of-way abutting the tract of land, or in the "AG" Zoning District which is seventy-five (75) acres or more, or in the "AGR" Zoning District which is ten (10) acres or more in area, may submit to the Planning Commission a plan for the use and development thereof for residential purposes or for the repair and alteration of any existing residential development; provided, however, that the Planning Commission shall apply the standards contained in this chapter in consideration of all applications for community unit plans. The plan may propose a modification of height and area of regulations of the district in which the community unit plan is located. (Resolution No. R-11-0023, March 29, 2011)

a) Community unit plans in the "AG" and "AGR" Zoning District shall provide access to each residential lot from a private or public roadway; except in unique circumstances, no direct access for any residential lot to a County section line, or half section line, roadway is allowed.

b) In the "AG" Zoning District a minimum of 50% of the total area in the subdivision must be preserved as an unbuildable outlot to be used as open space or for agricultural uses.

c) A dwelling unit bonus of up to twenty-five percent (25%) may be granted under the following circumstances:

i) A community unit plan in the "AGR" Zoning District where at least twenty percent (20%) of the land is preserved as an unbuildable outlot, and community sanitary sewer facilities are proposed, or,

ii) A community unit plan in the "AG" Zoning District where at least seventy percent (70%) of the land is preserved as an unbuildable outlot, or,

iii) A community unit plan in the "AG" Zoning District where at least fifty percent (50%) of the land is preserved as an unbuildable outlot, and that outlot includes;

1. green space, environmental resources or agricultural stream corridor areas as designated in the Future Land Use Maps of the Lincoln City – Lancaster County Comprehensive Plan which are permanently protected, or;

2. areas which can be shown to be environmentally sensitive and in need of preservation, whether or not they are shown in the Plan, when the applicant shows a means for permanently protecting those areas.

For purposes of calculating dwelling unit bonuses in community unit plans, any final dwelling unit calculation which is greater than or equal to fifty hundredths (0.50) shall be rounded up to the next whole number.



~~a) A community unit plan in "R" District may be permitted on a tract of land which is less than ten (10) acres but more than five (5) acres in area. The maximum permitted density on such a tract shall be calculated as follows:~~

~~The maximum number of dwelling units permitted by the underlying district will be computed and this maximum will be reduced by ten (10) percent to accommodate the small size of the tract.~~

~~b) A community unit plan in the "R" District may be permitted on a tract of land which is not more than five (5) acres but more than one (1) acre in area. The maximum permitted density shall be calculated as follows:~~

~~The maximum number of dwelling units permitted by the underlying district will be computed and this maximum will be reduced by twenty (20) percent to accommodate the small size of the tract.~~

~~c) A community unit plan in the "R" District may be permitted on a tract of land which is less than ten (10) acres but more than one (1) acre in area where such tract is bounded on at least two sides by one or more existing community unit plans. The maximum density of such a tract shall be calculated as in Section 14.014.~~

~~d) A community unit plan may be permitted in the "AGR" Districts on a tract of land which is ten (10) or more acres in area. The maximum permitted density of such a tract shall be calculated as in Section 14.014.~~

~~e) Notwithstanding the provisions of (a) through (d) above, where permitted in the "AG" Agricultural District, any community unit plan shall contain a minimum area of 75 acres, and in the "AGR" Agricultural Residential District, a minimum of ten (10) acres.~~

~~f) A community unit plan which complies with the energy conservation standards, if adopted by the County Board and on file with the County Clerk, may receive a dwelling unit bonus in accordance with the standards adopted by resolution of the County Board.~~

~~g) Additional dwelling units may be granted by the Planning Commission for each dwelling unit subsidized by the state or Federal government for low-income families or as a dwelling unit bonus for the provision of barrier-free units; however, the number of additional dwelling units shall not exceed those provided in the standards adopted by resolution of the County Board. (Resolution No. R-11-0023, March 29, 2011)~~

~~h) A community unit plan located in the "AG" or "AGR" Zoning Districts which will protect the open space areas as designated in the Future Land Use Maps of the Lincoln City-Lancaster County Comprehensive Plan may receive a dwelling unit bonus in accordance with the standards adopted by resolution of the County Board. A similar dwelling unit bonus may be made for protection of environmentally sensitive areas not shown in the plan. However, any such request shall be accompanied by a showing by the applicant of the need and means for protection of a portion of the property.~~

~~i) The dwelling unit bonuses permitted under this section shall not exceed a total of twenty (20) percent in any community unit plan.~~

~~(j) A community unit plan in the "AG" Zoning District where cultivated land and pasture land is preserved and no new County roads are created may receive a 20% density bonus. The design of the community unit plan shall accomplish the following design objectives:~~

- ~~1. Preserve the rural character of the open fields and pastures and natural wooded areas;~~
- ~~2. Preserve the natural habitats;~~
- ~~3. Preserve natural drainage courses;~~
- ~~4. Preserve the existing natural topography. (Resolution No. 4699, December 3, 1990)~~